IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1175 of 2007()

CRMP.438/2007 of SESSIONS COURT,KOLLAM

.....

: PETITIONER/ACCUSED.

---

1. PRASHOBHANAN, S/O.RAGHAVAN,
AGED 48 YEARS, RESIDING AT A.P.NIVAS,
EDATHARA, KARIYAM, KADAKKAL.

2. MANEENDRAN, S/O.RAGHAVAN,
AGED 41 YEARS, RESIDING AT VANAJA VILASOM,
EDATHARA, KARIYAM, KADAKKAL.

BY ADV. SRI.SIJU KAMALASANAN
SRI.S.SUDHEESHKAR
SRI.A.MUHAMMED RAFFI

RESPONDENT:

STATE OF KERALA REPRESENTED BY
S.I. OF POLICE, KADAKKAL POLICE STATION THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - -

BAIL APPLICATION NO. 1175 OF 2007

- - - - - - - - - ---------- - - - - -

DATED THIS THE 28th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused Nos.1 and 2 in Crime No.248/06 of Kadakkal Police Station for offences punishable under sections 323 and 302 read with section 34 IPC and subsequently altered to section 304 instead of section 302 IPC, seek anticipatory bail.

2. Even though the overt act was only slapping the deceased on his right ear, it had triggered his heart disease and he succumbed to the same on 21.5.2006.

3. Learned Public Prosecutor opposed the application.

4. Even though anticipatory bail cannot be granted in a case of this nature, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for regular bail ordered by the Magistrate. Accordingly, the petitioners shall surrender before the Investigating Officer on any day between 06.03.2007 and 08.03.2007 for the purpose of interrogation. The petitioners shall thereafter be produced on the same day before the Magistrate concerned who shall release the petitioners on bail on appropriate conditions.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn